

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Post-adoption Contact Agreement

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on March 21, 2018, at the following address:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 21, 2018.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

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CHAPTERS

Manual of Policies and Procedures (MPP), Chapter 31-000 and Title 22, Division 2, Chapter 3

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These regulations are necessary to promote the best interest of children in out-of-home care by providing clarity to direct foster care and adoption agencies. These regulations comply with the provisions from noted state legislative bills. The intent of this revision is to implement the “postadoption contact agreement”.

The proposed regulations are necessary to implement the postadoption contact agreement and replace the term “kinship adoption agreement”. The kinship adoption agreement was established by Assembly Bill (AB) 1544 (Chapter 193, Statutes of 1997), allowing adopting parents who are related to the child to enter into a “kinship adoption agreement with the birth parents or birth relatives and remain in contact with the child after adoption.

AB 2921 (Chapter 910, Statutes of 2000) changed all reference of “kinship adoption agreement” to “postadoption contact agreement” and authorized nonrelative adopting parents to enter into such agreements voluntarily. This regulation update does not constitute new activities. The proposed regulations would merely replace the term “kinship adoption agreement” with the term “post-adoption contact agreement”.

AB 2921 (Chapter 910, Statutes of 2000), adding Family Code section 8616.5. Family Code section 8616.5 revised all references of the term “kinship adoption agreement” to “post-adoption contact adoption agreement” and removing the limitations of whom may participate in a post adoption contact agreement.

Senate Bill (SB) 1357 (Chapter 858, Statutes of 2004) amended Family Code section 8616.5 stating that a postadoption contact agreement is available for all types of child adoption, agency, independent and intercountry. A foster parent may be able to remain in contact with the child after adoption.

The proposed regulations amend Division 31, Section 31-002 and Handbook, Legal Permanency, Section 8714.7 of the Child Welfare Services Manual, Manual of Policies and Procedures. The proposed regulations would not alter existing forms, however does update the title and revision date of the Judicial Council form ADOPT-310 from (1/99) to (1/03) and title from "Kinship Adoption Agreement" to "Contact After Adoption Agreement" and defining it in these regulations as "Post-Adoption Contact Agreement." The ADOPT-310 Judicial Council form is available on-line at <http://www.courts.ca.gov/cms/formnum.htm>.

Benefits:

The anticipated benefit of these regulations is to be in compliance with kinship adoption agreement legislation established by AB 1544 (Chapter 193, Statutes of 1997), allowing adopting parents who are related to the child to enter into a "kinship adoption agreement" with the birth parents or birth relatives and remain in contact with the child after adoption. Moreover, the benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Provide clarity and direction for foster care agencies. The new terms are more inclusive as it implies that postadoption contact agreements may include those who are not related, kin, to the child or children being adopted. These relationships with non relative children and/or adults may represent a positive force for children who may have experienced trauma, thus aiding in the health and welfare of California residents. This regulatory action does not affect worker safety or the state's environment.

Consistency:

The CDSS has found these regulation amendments neither inconsistent or incompatible with existing regulations because research was done by program to determine that these are non-duplicating and non-repetitive regulations, and that they do not negate or overlap other existing regulation or law. Further, these regulations are not duplicative of any federal law.

Incorporation by Reference:

This action modifies, as stated above, the ADOPT-310 (1/99) Judicial Council form that is currently incorporated by reference. There are no new documents being incorporated by reference.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including

the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that this revision does not represent a new activity or service. The regulation revision would merely revise all references of the term “kinship adoption agreement” to “post-adoption contact adoption agreement.”

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS must determine that there is no impact on small businesses as a result of filing these regulations. Because these regulations are only applicable to state and county agencies, CDSS is making the determination that there is no impact on small businesses as a result of filing these regulations.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: Section will provide clarity and direct foster care agencies. The new terms are more inclusive as it implies that postadoption contact agreements may include those who are not related, kin, to the child or children being adopted. These relationships with non-relative children and/or adults may represent a positive force for children who may have experienced trauma, thus aiding in the health and welfare of California residents. This regulatory action does not affect worker safety or the state's environment.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS considered the following alternatives with the following results: No alternatives have been presented for review.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Authority: Sections 8621, 8616.5, 8707, 8714.5 and 9292, Family Code; Section 1530, Health and Safety Code; Sections 10553, 10554, 10850.4 and 16119(a), Welfare and Institutions Code.

Reference: Sections 7950, 8616.5, 8714.5, 8714.7, 8715, 8802, Family Code; Section 366.24, Welfare and Institutions Code; California Rules of the Court, rule 5.451, 42 USC 622(b)(7) and 1996b.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

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